



Memorandum Date: November 15, 2024
Order Date: December 10, 2024

TO: Board of County Commissioners

DEPARTMENT: Public Works/Engineering and Construction Services/Surveyors

PRESENTED BY: Mikeal J. Blommé, Lane County Surveyor

AGENDA ITEM TITLE: ORDER 24-12-10-03/ IN THE MATTER OF ACCEPTING A DEED OF LAND TO BE USED FOR COUNTY ROAD PURPOSES FOR KIWANDA STREET, COUNTY ROAD NO. 856. (18-12-04-42-03800).

I. MOTION

TO APPROVE THE ORDER ACCEPTING A WARRANTY DEED ACQUIRED IN 1989 TO BE USED FOR KIWANDA STREET, COUNTY ROAD NO. 856.

II. AGENDA ITEM SUMMARY

The Board is being asked to accept a warranty deed that was acquired for a road improvement project in 1989 to fulfill Lane Manual requirements that dedications be formally accepted by the Board. This action will also serve to designate the acquisition as part of County Road No. 856.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

In 1989, Lane County acquired a corrected warranty deed recorded on Reel 1558R, Recorder's Reception No. 8906398, Lane County Oregon Deeds and Records for a road improvement project along Heceta Beach Road. Our records do not indicate the warranty deed has ever been accepted by the Board of County Commissioners as required per Lane Manual Chapter 15. This item is now being brought forth to the Board for formal acceptance.

B. Policy Issues

This project is consistent with Oregon Revised Statute 368, which allows for the initiation and acquisition of property, and Lane Manual Chapter 15, which provides for the dedication and formal acceptance requirements.

C. Board Goals

One of Lane County's Strategic Priorities for 2022-2024 is Robust Infrastructure. Accepting the deed for right of way purposes and inclusion into the county road helps ensure the acquisition will be legally maintained as part of the County Road.

D. Financial and/or Resource Considerations

If approved by the Board, the road infrastructure located within the acquired area will be maintained by County Road Maintenance staff.

E. Health Implications

There are no significant health implications.

F. Analysis

The portion of road included in this conveyance was constructed in the early 1990's and is currently being used as road infrastructure. The formal acceptance of the acquired property by the Board will ensure it is included as part of the County Road right of way record for Kiwanda Street, County Road No. 856.

G. Alternatives/Options

The Board of County Commissioners has the options to:

1. Approve the acceptance of that certain warranty deed recorded on Reel 1558R, Recorder's Reception No. 8906398 as right of way for Kiwanda Street, County Road No. 856.
2. Deny the Order to accept the warranty deed for county road purposes.

IV. RECOMMENDATION

It is recommended the Board support Option Number 1, approving the acceptance of the above referenced warranty deed for county road purposes.

V. TIMING/IMPLEMENTATION

Approval of the Order will ensure the improvements located on the acquired land will be maintained by Lane County Road Maintenance staff.

VI. FOLLOW-UP

If the Board of County Commissioners approves the Order accepting the permanent road easements, the Order is to be filed into the Board of County Commissioners' Journal of Administration, after which copies are to be forwarded to the County Surveyor for inclusion into the County Road records. If the Order is denied, an Order to Deny will be presented to the Board at a later regularly scheduled meeting.

VII. ATTACHMENTS

Order
Exhibit A - Map

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 24-12-10-03

IN THE MATTER OF ACCEPTING A DEED OF
LAND TO BE USED FOR COUNTY ROAD
PURPOSES FOR KIWANDA STREET, COUNTY
ROAD NO. 856. (18-12-04-42-03800).

WHEREAS, this matter now coming before the Board of County Commissioners of Lane County and said Board deeming it in the best interest of Lane County to accept a warranty deed conveyed to Lane County in 1989 acquired to support a road improvement project along Heceta Beach Road; and

WHEREAS, that certain warranty deed acquired on January 30, 1989, as recorded on Reel 1557R, Records Reception No. 8904834, also recorded by correction deed on Reel 1558R, Records Reception No. 8906398, in the Deed Records of Lane County, Oregon, were never accepted by the Board of County Commissioners as required by Lane Manual Chapter 15; and

WHEREAS, Pursuant to Lane Manual 15.015, public road dedications shall be accepted and placed on record by the Board; and

NOW, THEREFORE, IT IS HEREBY ORDERED that the correction warranty deed recorded on Reel 1558R, Records Reception No. 8906398 is hereby accepted by the Board of County Commissioners of Lane County as a public road easement, and expressly accepted as part of Kiwanda Street, County Road No. 856, by this Order; and

IT IS FURTHER ORDERED the above Order shall be entered in the records of the Board of County Commissioners' Journal of Administration and a copy of the Order be forwarded to the Lane County Surveyor for inclusion into the County Road records for County Road No. 856.

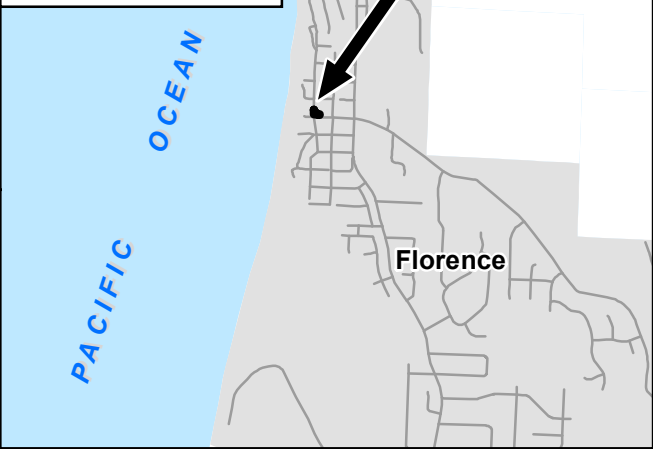
ADOPTED this 10th day of December, 2024.

Laurie Trieger, Chair
Lane County Board of Commissioners

EXHIBIT A
PORTION OF KIWANDA STREET
- PROPOSED TO BE ACCEPTED AS COUNTY ROAD -

SW 1/4 SEC. 4
T.18S. R.12W. W.M.
Florence, Lane County, Oregon

VICINITY MAP



1ST AVE

18-12-04-42-03800

**WARRANTY DEED
TO BE ACCEPTED
AS COUNTY ROAD**

KIWANDA ST

1ST AVE



NO SCALE